

17 GAR - Labor Relations
Division 1 - Department of Labor

CHAPTER 8
GUAM REGISTERED APPRENTICE PROGRAM

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§8101. Authority. By virtue of the authority vested in it by 22 GCA 44107, the Guam Department of Labor hereby issues these Rules and Regulations, which it finds necessary in order to carry out its responsibilities in the administration and enforcement of the provisions of the law as it relates to the Guam Registered Apprenticeship Program.

These Rules and Regulations shall be liberally construed to accomplish the purposes of the law and the policies of the Department and shall be in force and effect until such time that it is amended or rescinded by rules and regulations hereafter made and published by the Guam Department of Labor.

§8102. Statement of Policy. It is a matter of public policy that in order to have a healthy economy, there must be an adequate source of skilled workers in the island. A key ingredient in our effort to develop and sustain a healthy economy is our ability to supply a work force that is educated and trained to keep up with the demand for all classifications of skilled journey workers which is increasing more rapidly than the supply; the need for the skills of these workers is becoming critical. The best possible method for developing employee skills is through a formal apprenticeship training program.

§8103. Purpose. The intended purpose of these Rules and Regulations is to establish the best possible method for developing employee skills through a formalized apprenticeship training system that is proven to be cost effective, goal oriented, and designed to meet the specific skill needs of the employer. These rules are promulgated to effectuate compliance with the P.L. 28-142, codified as 22 C.C.A. §§ 44/0/-44/ 14.

§8104. Definitions. The definitions set forth herein shall govern the construction and

interpretation of this Chapter:

(a) 'Apprentice' means an employee of a business participating in the Guam Registered Apprenticeship Program who is at least 16 years of age, except when a higher minimum age is otherwise fixed by law, and who is employed to learn a skilled trade.

(b) 'Apprenticeship Program' or 'Apprenticeship Training Program' means a comprehensive training program designed to teach an apprentice how to perform all duties in a recognized skilled craft or trade at the journeyman level that is described by a plan containing all terms and conditions for qualification, recruitment, selection, employment and training of apprentices and a written apprenticeship agreement.

(c) 'BAT' means the Bureau of Apprenticeship and Training of the U.S. Department of Labor.

(d) 'USDOL BAT Certification' shall mean evidence from the USDOL BAT that the program participant has a registered and approved apprenticeship training program.

(e) 'Business' means a professional group, association, corporation, partnership, sole proprietorship, trust, foundation, or any other individual or organization carrying on any business whether or not operated for profit.

(f) 'GDOL' means the Guam Department of Labor.

(g) 'Director' means the Director of the Guam Department of Labor.

(h) 'Employer' means a business employing an apprentice whether or not such business has an apprenticeship agreement with the apprentice.

(i) 'GRAP' shall mean the Guam Registered Apprentice Program;

(j) 'GRAP Certification' or 'Guam Registered Apprentice Program Tax Credit Certification' shall mean a certification issued by the Director of Labor to the program participant and the Tax Commissioner, detailing the amount eligible for tax credit under this program.

(k) 'Institution of Higher Education' means the Guam Community College, the University of Guam, licensed post secondary institutions or licensed post secondary training programs.

(l) 'Occupational List' means a list of occupations prioritizing needed trades that corresponds with a USDOL BAT apprenticeship training program that lists the occupational trades approved for apprenticeship training within the Program.

(m) 'Program' means the Guam Registered Apprenticeship Training Program, an occupationally driven apprenticeship training program meeting the standards of the U.S. Department of Labor, Bureau of Apprenticeship and Training, that is recognized and approved as an occupational priority by DOL to which this Chapter applies.

(n) 'Program Participant' or 'Participant' means an employer that employs apprentices who receive training through a program provider of a registered apprenticeship program.

(o) 'Program Provider' means a business or institution of higher education that conducts a registered apprenticeship program recognized by the U.S. Department of Labor (USDOL), Bureau of Apprenticeship and Training (BAT). A business with a registered apprenticeship program may be both a program participant and a provider program.

(p) 'Tax Commissioner' means the Tax Commissioner of Guam, the Director of Revenue and Taxation.

(q) 'Tax credit' means an offset to gross receipts tax owed by a business equal in amount to fifty percent (50%) of all eligible costs paid or incurred by a program participant to train an apprentice.

(r) 'Trade' means the skilled practice of an occupation.

(s) 'USDOL' means the United States Department of Labor.

(t) 'Quarter' means a three month period in the Government of Guam's fiscal year. Such quarters are 1st quarter - October 1st to December 31st, 2nd quarter - January 1st to March 31st, 3rd quarter - April 1st to June 30th, and 4th quarter - July 1st to September 30th.

§8105. Program Eligibility. Program Participants must submit to the GDOL an original and one copy of GRAP Form 1 - Application for Guam Registered Apprenticeship Program Tax Credit, along with the following:

1. USDOL BAT Certificate of Registration and the Approved Apprenticeship Standards.
2. Affirmative Action Plan.
3. Residency verification indicating that the apprentice is a resident of Guam not less than three years.
4. Verification of US citizenship or permanent residency. (Use of I-9 form will satisfy this requirement.)
5. Signed Apprenticeship Employment Contract.

Applications will be reviewed for completeness and if any deficiencies are found, applications will be returned to program participant for correction. Upon receipt of the completed GRAP Form 1, the Director will then approve or deny entry into the program. Program participants are required to renew their application annually on the anniversary of the original approval.

§8106. Approved Demand Occupations Listing. In the first quarter of each fiscal year, the GDOL Director shall conduct a public hearing to receive opinions and recommendations from

businesses and the general public to determine which areas need additional professional and skilled technical trade workers. The GDOL Director shall consider new program participant applications and agreements and shall emphasize industrial, construction, and technical trade occupations. The GOOI Director shall establish a list of skilled occupations and trades that correspond to recognized USDOL SAT apprenticeship programs or may amend a prior year's occupational list. The GDOL Director shall then submit the proposed occupational list to the Governor of Guam for approval. The Governor shall then submit the proposed occupational list to the Liheslaturan Guahan no later than January 5th of each year provided, however, that no program participant shall request a tax credit for a new trade until the list is approved by the Liheslatura. If the Liheslatura has not expressly approved or rejected the list, or any part thereof, by resolution within forty-five (45) days after submission, the list shall be deemed approved.

§8107. GRAP Tax Credit Certification: Eligibility Requirements. Active program participants may apply for a certification from the Director of Labor by submitting ORAP Form 2. The Director of labor requires supporting documents to verify requested reimbursement listed on ORAP Form 2. Original or certified copies of documents may be required at the discretion of the Director.

1. Upon receipt of a completed application, the Director or his authorized representative will review the request for reimbursement for compliance with 22 G.C.A. § 44 108.

2. The director will issue a determination within 60 calendar days.

§8108. Denial of Tax Credit. Upon refusal to certify a claim for a particular training cost pursuant to §44109(d), the Director will issue and serve a detailed notice to the program participant.

§8109. A. Eligible Training Costs. Eligible training costs are costs associated with the training and development of the apprentice. Eligible costs are as follows: Direct wages of apprentice, direct fringe benefits of apprentice (medical and dental insurance), Apprentice instructor costs (academic and trade theory), training costs (books and tuition), and personal protective equipment.

B. GRAP Tax Credit Certification: Reporting Requirements. Program participants shall submit all supporting documents as evidence that eligible training costs have been incurred including, but not limited to: Invoices detailing the articles or services for which reimbursement is requested; payroll records; and attestations of costs.

§8110. Co-operative Programs Authorized. Pursuant to 44 GCA section 4411, when necessary, the Director of the GDOL shall develop and enter into a memorandum of understanding (MOU) with other government agencies or instrumentalities or private organizations to provide specialized training in a particular field not available within the apprenticeship program.

§8111. Petitions. Any individual shall have the right to submit to the Director of Labor a petition for the establishment or modification of rules and regulations on subjects under the Authority of

the Director, and shall have the right to request advisory rulings, consultations or declaratory rulings in relation to existing regulations. Such petitions and requests shall be submitted in writing and on a form provided by the GDOL, and shall be acted upon within 60 days by the Director. The Director shall respond to all petitions submitted under this Title in writing.

§8112. Severability. If any part of these Regulations is for any reason declared to be invalid by a court of law, the remaining regulations under this Title shall not be affected thereby, and shall remain valid and enforceable.

§8113. Technical Assistance Guide. In order to provide program guidance, the Director will develop a technical assistance guide (TAG).

§8114. Electronic Filing of Documents. Electronic filing of documents may be accepted at the discretion of the director.

Please [click](#) here to download the initial application form. (word format)

Please [click](#) here to download the GDOL Certification form. (word format) Please [click](#) here to download the GRAP Demand Occupations Listing - Updated 2008 (pdf format)

Please [click](#) here to download the GRAP Form 2 - Revised December 2008 (Excel format)

Please [click](#) here to download the GRAP Public Hearing Notice-2009 (Word document)